

REMARKS

The final Office Action dated July 6, 2005 has been carefully considered. Applicant has filed a Request for Continued Examination in order to file amendments as a matter of right and to have further examination of this patent application. In this amendment, Applicant has amended claims 26, 35, and 37. Applicant has added claims 43-45 and has canceled claim 38. Claims 26-37 and 39-45 remain in the present patent applicant. Applicant respectfully requests reexamination and reconsideration in view of the foregoing amendments and the following remarks.

Only one issue was raised in the final Office Action, that being an anticipation rejection based on Moline, U.S. Patent No. 4,155,458. Anticipation is a very strict standard requiring each and every element and limitation of a claim to be satisfied identically in a single reference. In view of the foregoing amendments, it should be clear that the cited Moline reference is not relevant to the claimed invention. Moline relates to a tool storage system, not a system or assembly which would be used in a retail setting for selectively securing merchandise. Moline discloses a single unitary box in which the sides 60, 62 are integral with the product retainer 28, and formed as a single unitary component with no relative movement between the two components. Instead the entire box-like structure of Moline is pivoted as shown for example in comparing FIGS. 1 and 2. Thus, the product retainer 28 or 30 is not moveable or pivotable relative to the sides 60, 62.

Claim 26 has been amended to more clearly differentiate and distinguish Moline. In particular, the product retainer is now defined as a separate member from the sides and moveable relative to the sides such that the product retainer is not unitary with the sides. Moline discloses the exact opposite having a single unitary component with no movement between sides and front retainer. Also claims 43-45 have been added to further distinguish and differentiate the cited Moline reference.

As it relates to claim 37, this claim has been amended to incorporate much of the language of claim 38 (which has now been canceled) with the structure of a hinge being recited which pivotably connects the product retainer to the sides proximate the front end and that the product retainer is pivoted about the hinge relative to the sides when moved from the locked to the unlocked condition. Again, there is no relative movement between the product retainer 28, 30 of Moline relative to its sides 60, 62 such that it is clear there is no hinge

In re Appln. Of: Craig Zadak
Application No.: 10/663,601

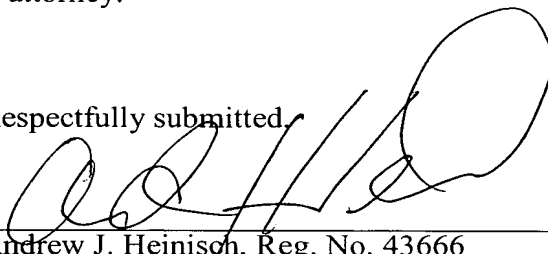
between these two components. While there is a hinge structure 40 in Moline, thus hinge 40 does not connect the sides to the product retainer as claimed but rather the entire unitary box-like structure to the vertical support. Further, the hinge of Moline is not proximate a front end of the sides as claimed but is disposed at the back end as is clearly evident in the figures.

In view of the foregoing amendments and remarks, Applicant respectfully requests that the rejections previously advanced be withdrawn.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. J. Heinisch', is written over a horizontal line.

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